

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KAREEM HASSAN, individually and on behalf  
of all others similarly situated,

Plaintiff,

-against-

Case No.1:20-CV-03265 (LTS) (BCM)

FORDHAM UNIVERSITY,

Defendant.

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**AFFIRMATION OF JONATHAN M. KOZAK, ESQ. IN SUPPORT  
OF DEFENDANT'S MOTION TO DISMISS**

JONATHAN M. KOZAK, an attorney duly admitted to practice before this Court,  
hereby affirms under penalty of perjury that the following statements are true:

1. I am an attorney with the law firm of Jackson Lewis P.C., attorneys of record for Defendant Fordham University in the above-captioned action. As such, I am familiar with the documents attached hereto.

2. I respectfully submit this affirmation in support of Defendant's motion to dismiss Plaintiff's Amended Complaint in its entirety, with prejudice.

3. On July 17, 2020, Defendant's counsel sent a letter to Plaintiff's counsel outlining the bases for a motion to dismiss that Fordham intended to file if Plaintiff did not agree to voluntarily withdraw and dismiss his Class Action Complaint And Demand For Jury Trial.

4. On July 22, 2020, counsel for the parties discussed defense counsel's July 17, 2020 letter, and Plaintiff's counsel advised that Plaintiff intended to file an amended Complaint.

5. A true and correct copy of Plaintiff's First Amended Class Action Complaint And Demand For Jury Trial is attached hereto as Exhibit "1."

6. A true and correct copy of N.Y. Exec. Order No. 202 (Mar. 7, 2020) is attached hereto as Exhibit "2."

7. A true and correct copy of *President's COVID-19 Update / March 9, 2020, 12 p.m.* is attached hereto as Exhibit "3."

8. A true and correct copy of *University Operations / Update March 13, 2020, 8 p.m.* is attached hereto as Exhibit "4."

9. A true and correct copy of N.Y. Exec. Order No. 202.6 (Mar. 18, 2020) is attached hereto as Exhibit "5."

10. A true and correct copy of N.Y. Exec. Order No. 202.8 (Mar. 20, 2020) is attached hereto as Exhibit "6."

11. A true and correct copy of N.Y. State, Guidance on Executive Order 202.6, *Guidance for Determining Whether a Business Enterprise Is Subject to a Workforce Reduction Under Recent Executive Orders* (updated June 29, 2020) is attached hereto as Exhibit "7."

12. A true and correct copy of *Coronavirus Student FAQ/ Refunds* is attached hereto as Exhibit "8."

13. A true and correct copy of Zwiker v. Lake Superior State Univ. et al., (MI Ct. of Claims, Aug. 31, 2020), is attached hereto as Exhibit "9."

14. True and correct copies of the tuition rates stated on Fordham's website for the 2019-20 school year are attached hereto as Exhibit "10."

I have read the averments in the numbered paragraphs above, and confirm the same are true to the best of my knowledge and belief.



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Jonathan M. Kozak

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FORDHAM UNIVERSITY,

Defendant.

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**CERTIFICATE OF SERVICE**

This is to certify that, on September 4, 2020, a true and correct copy of the Affirmation Of Jonathan M. Kozak, Esq. In Support Of Defendant's Motion To Dismiss has been served via ECF and overnight mail on Plaintiff's counsel at the email address of record set forth below:

Philip L. Fraietta, Esq.  
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*Attorneys for Plaintiff*



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Jonathan M. Kozak

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